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C O N F I D E N T I A L SECTION 1 OF 8 CANBERRA 1804

DEPARTMENT PASS MARINE MAMMAL COMMISSION
FROM USDEL ANTARCTIC

EO 11652: GDS
TAGS: XV, EFIS
SUBJECT: ANTARCTIC TREATY: CHAIRMAN'S DRAFT CONVENTION ON THE
CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

REF: CANBERRA 01672

1. CHAIRMAN'S INFORMAL TEXT OF A DRAFT CONVENTION WAS
ISSUED LATE MARCH. HEADS OF DELEGATION AGREED AT
MARCH 9 MORNING MEETING TO TAKE TEXT AS BASIS OF DI-
SCUSSION AND NEGOTIATION AND PLENARY SESSION BEGAN
GENERAL DISCUSSION OF CHAIRMAN'S TEXT SAME DAY.

2. BEGIN TEXT: "PREAMBLE. THE CONTRACTING PARTIES, RE-
COGNISING THE IMPORTANCE OF SAFEGUARDING THE ENVIRONMENT
AND THE ECOSYSTEM OF THE SEAS SURROUNDING ANTARCTICA;
"NOTING THE CONCENTRATION OF MARINE LIVING RESOURCES FOUND
IN ANTARCTIC WATERS AND THE POTENTIAL OF THESE RESOURCES
FOR THE WORLD'S FOOD SUPPLY;

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"CONSCIOUS OF THE URGENCY OF ENSURING THE CONSERVATION
OF ANTARCTIC MARINE LIVING RESOURCES AND OF MAINTAINING
THE WELL BEING OF THE ANTARCTIC MARINE ECOSYSTEM AS A
WHOLE;

"DESIRING IN CONFORMITY WITH THE ANTARCTIC TREATY TO
PREVENT THE ANTARCTIC FROM BECOMING THE SCENE OR OBJECT

OF INTERNATIONAL DISCORD;

"BELIEVING THAT THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES CAN BE ACHIEVED ONLY ON THE BASIS OF INTERNATIONAL CO-OPERATION WITH DUE REGARD FOR THE PROVISIONS OF THE ANTARCTIC TREATY AND WITH THE ACTIVE INVOLVEMENT OF ALL STATES ENGAGED IN RESEARCH OR HARVESTING ACTIVITIES IN ANTARCTIC WATERS;

"RECOGNISING THE PRIME RESPONSIBILITIES OF THE CONSULTATIVE PARTIES TO THE ANTARCTIC TREATY FOR THE PROTECTION AND PRESERVATION OF THE ANTARCTIC ENVIRONMENT AND, IN PARTICULAR, THEIR RESPONSIBILITIES UNDER ARTICLE IX, PARAGRAPH 1(F) OF THE ANTARCTIC TREATY IN RESPECT OF THE PRESERVATION AND CONSERVATION OF LIVING RESOURCES IN ANTARCTICA;

"RECALLING THE ACTION ALREADY TAKEN BY THE CONSULTATIVE PARTIES INCLUDING IN PARTICULAR THE MEASURES AGREED BETWEEN THEM FOR THE PROTECTION OF ANTARCTIC FAUNA AND FLORA, AS WELL AS THE PROVISIONS OF THE CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS, 1972;

"RECALLING THE RECOMMENDATION OF THE NINTH ANTARCTIC TREATY CONSULTATIVE MEETING THAT A DEFINITIVE REGIME FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES SHOULD BE CONCLUDED BEFORE THE END OF 1978;

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SOURCES SHOULD BE CONCLUDED BEFORE THE END OF 1978;

"BEARING IN MIND RECENT DEVELOPMENTS IN THE LAW OF THE SEA, PARTICULARLY THOSE RELATIVE TO THE CONSERVATION AND MANAGEMENT OF LIVING RESOURCES;

"RECOGNISING, IN THE LIGHT OF THE FOREGOING, THAT IT IS DESIRABLE TO ESTABLISH SUITABLE MACHINERY FOR RECOMMENDING, PROMOTING, DECIDING UPON AND CO-ORDINATING THE MEASURES AND SCIENTIFIC STUDIES NEEDED TO ENSURE THE CONSERVATION OF THE LIVING ORGANISMS OF ANTARCTICA;

"HAVE AGREED AS FOLLOWS:

ARTICLE I

SCOPE

"1. THE CONVENTION APPLIES TO THE MARINE LIVING RESOURCES OF THE SEAS SOUTH OF 60 DEGREES SOUTH LATITUDE AND TO THE MARINE LIVING RESOURCES WHICH FORM PART OF THE ANTARCTIC MARINE ECOSYSTEM NORTH OF THAT LATITUDE TO THE

ANTARCTIC CONVERGENCE (AS DEFINED IN ANNEX .)

"2. MARINE LIVING RESOURCES MEANS THE POPLUATIONS
OF ALL SPECIES OF LIVING ORGANISMS BELONGING TO THAT
ECOSYSTEM.

ARTICLE II

OBJECTIVE

1. THE OBJECTIVE OF THIS CONVENTION IS THE
CONSERVATION OF ALL MARINE LIVING RESOURCES OF THE
ANTARCTIC MARINE ECOSYSTEM AS DESCRIBED IN ARTICLE 1.

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"2. THE CONTRACTING PARTIES AGREE THAT HARVESTING
AND PROCESSING OF ANTARCTIC MARINE LIVING RESOURCES
SHALL TAKE PLACE IN ACCORDANCE WITH THE PROVISIONS OF
THIS CONVENTION.

NOTE BY OC/T; NOT PASSED MARINE MAMMAL COMMISSION.

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ARTICLE III

LINK WITH THE ANTARCTIC TREATY

"1. THE CONTRACTING PARTIES AGREE THAT THEY WILL NOT ENGAGE IN ANY ACTIVITIES IN THE ANTARCTIC TREATY AREA CONTRARY TO THE PRINCIPLES AND PURPOSES OF THE ANTARCTIC TREATY. IN PARTICULAR THEY AFFIRM THE PROVISIONS AND ACCEPT THE OBLIGATIONS OF ARTICLES 1, IV AND V OF THE ANTARCTIC TREATY.

"2. NOTHING IN THIS CONVENTION SHALL PREDUDICE OR IN ANY WAY AFFECT THE RIGHTS, OR THE EXERCISE OF THE RIGHTS, OF ANY STATE UNDER INTERNATIONAL LAW WITH REGARD TO THE HIGH SEAS, EXCEPT TO THE EXTENT THAT THE HIGH SEAS FREEDOM OF FISHING IS MODIFIED BY CONSERVATION MEASURES ADOPTED UNDER THIS CONFERENCE.

ARTICLE IV

APPLICATION OF THE PRINCIPLES OF ARTICLE IV OF THE ANTARCTIC TREATY

"NOTHING CONTAINED IN THIS CONVENTION SHALL BE
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INTERPRETED AS A RENUNCIATION BY ANY CONTRACTING PARTY OF RIGHTS OF OR CLAIMS TO COASTAL STATE JURISDICTION IN THE AREA IN WHICH THIS CONVENTION APPLIES OR AS PREDUCING THE POSITION OF ANY CONTRACTING PARTY AS REGARDS ITS RECOGNITION OR NON-RECOGNITION OF SUCH RIGHTS OR CLAIMS.

ARTICLE V

RESPONSIBILITY OF THE CONSULTATIVE PARTIES

"1. THE CONTRACTING PARTIES RECOGNISE THE PRIME RESPONSIBILITY OF THE ANTARCTIC TREATY CONSULTATIVE PARTIES FOR THE PROTECTION AND PRESERVATION OF THE ENVIRONMENT OF THE ANTARCTIC TREATY AREA.

"2. THE CONTRACTING PARTIES WHICH ARE NOT PARTIES TO THE ANTARCTIC TREATY AGREE THAT IN THEIR ACTIVITIES IN THAT AREA THEY WILL APPLY AS AND WHEN THEY BECOME EFFECTIVE THE AGREED MEASURES FOR THE CONSERVATION OF ANTARCTIC FAUNA AND FLORA AND SUCH OTHER MEASURES AS HAVE BEEN AND MAY FROM TIME TO TIME BE RECOMMENDED BY THE CONSULTATIVE PARTIES IN FULFILMENT OF THEIR RESPONSIBILITY FOR THE PROTECTION OF THE ANTARCTIC ENVIRONMENT FROM ALL FORMS OF HARMFUL HUMAN INTERFERENCE.

ARTICLE VI

COMMISSION - ESTABLISHMENT AND MEMBERSHIP

1. THE CONTRACTING PARTIES HEREBY ESTABLISH THE
COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE
LIVING RESOURCES (HEREINAFTER REFERRED TO AS THE COM-
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MISSION).

2. EACH OF THE CONTRACTING PARTIES SHALL BE MEMBERS
OF THE COMMISSION AND SHALL BE REPRESENTED BY ONE RE-
PRESENTATIVE WHO MAY BE ACCCOMPANIED BY ALTERNATE REPRE-
SENTATIVES ND ADVISERS.

ARTICLE VII

COMMISSION - FUNCTIONS AND POWERS

"1. THE FUNCTIONS OF THE COMMISSION SHALL BE:

(A) THE ACQUISITION OF DATA ON THE STATUS AND DYNAMICS OF THE
ANTARCTIC MARINE ECOSYSTEM;

(B) THE ACQUISITION OF DATA ON THE STATUS AND
TRENDS OF POPULATIONS AND ON FACTORS AFFECTING
THE DISTRIBUTION, SIZE AND PRODUCTIVITY OF
TARGET AND ASSOCIATED POPULATIONS OF ANTARCTIC
MARINE LIVING RESOURCES;

(C) THE ACQUISITION OF CATCH AND EFFORT STATISTICS
ON HARVESTED POPULATIONS OF ANTARCTIC MARINE
LIVING RESOURCES;

(D) THE ANALYSIS AND DISSEMINATION AND PUBLICATION
OF THE INFORMATION REFERRED TO IN SUBPARAGRAPHS
(A), (B) AND (C) ABOVE;

(E) THE IDENTIFICATION OF CONSERVATION NEEDS AND
MONITORING OF THE EFFECTIVENESS OF THE CONSER-
VATION MEASURES;

(F) THE DEVELOPMENT, ADOPTION AND REVISION OF
CONSERVATION MEASURES IN IMPLEMENTATION OF THE
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CONSERVATION AIMS CONTAINED IN ARTICLE XVII;

(G) THE IMPLEMENTATION OF THE SYSTEM OF OBSERVATION
AND INSPECTION ESTABLISHED IN ARTICLE XXIII,

(H) THE IDENTIFICATION OF RESEARCH NEEDS WITH RE-
GARD TO ANTARCTIC MARINE LIVING RESOURCES AND
THE ANTARCTIC MARINE ECOSYSTEM AND THE PROMOT-
ION OR CONDUCT OF STUDIES TO IDENTIFY AND
EVALUATE CONSERVATION MEASURES; AND

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C O N F I D E N T I A L SECTION 3 OF 8 CANBERRA 1804

(I) SUCH OTHER ACTIVITIES AS ARE NECESSARY TO FUL-
FILL THE OBJECTIVE OF THIS CONVENTION.

"2. THE CONSERVATION MEASURES REFERRED TO IN PARA-
GRAPH 1(F) MAY DEAL WITH THE FOLLOWING:

(A) THE OVERALL QUANTITY OF ANY SPECIES WHICH MAY
BE CAUGHT;

(B) PROTECTED AND UNPROTECTED SPECIES;

(C) THE SIZE, SEX AND AGE OF SPECIES WHICH MAY BE CAUGHT;

(D) OPEN AND CLOSED SEASONS;

(E) OPEN AND CLOSED AREAS, INCLUDING SPECIAL AREAS
FOR THE PROTECTION AND SCIENTIFIC STUDY OF
PARTICULAR SPECIES;

(F) RESTRICTIONS ON THE EFFORT EMPLOYED AND METHODS OF HARVESTING, INCLUDING REGULATION OF FISHING GEAR,

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(G) SUCH OTHER ASPECTS OF CONSERVATION WHICH THE COMMISSION CONSIDERS NECESSARY FOR THE FULFILMENT OF THE OBJECTIVE OF THIS CONVENTION.

"3. IN EXERCISING ITS FUNCTIONS UNDER PARAGRAPH 1 OF THIS ARTICLE, THE COMMISSION SHALL TAKE INTO ACCOUNT THE RECOMMENDATIONS AND ADVICE OF THE SCIENTIFIC COMMITTEE.

"4. THE COMMISSION MAY, FOR THE PURPOSE OF THE MORE EFFECTIVE EXERCISE OF ITS FUNCTIONS UNDER PARAGRAPH 1 OF THIS ARTICLE, DIVIDE THE AREA COVERED BY THIS CONVENTION INTO SECTORS AND SUB-SECTORS.

5. THE COMMISSION SHALL TAKE FULL ACCOUNT OF ANY RELEVANT REGULATIONS OR MEASURES ESTABLISHED OR RECOMMENDED PURSUANT TO THE INTERNATIONAL CONVENTION ON WHALING, THE CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS AND THE CONSULTATIVE MEETINGS PURSUANT TO ARTICLE IX OF THE ANTARCTIC TREATY, AND SHALL ENSURE THAT THERE IS NO INCONSISTENCY BETWEEN THE OBLIGATIONS OF A CONTRACTING PARTY UNDER SUCH REGULATIONS OR MEASURES AND CONSERVATION MEASURES WHICH MAY BE ADOPTED BY THE COMMISSION.

"6. CONSERVATION MEASURES ADOPTED BY THE COMMISSION IN ACCORDANCE WITH THIS CONVENTION SHALL BE BINDING AND SHALL ENTER INTO FORCE NINETY DAYS AFTER THE COMMISSION NOTIFIES THEM TO THE CONTRACTING PARTIES.

ARTICLE VIII

COMMISSION - ADDITIONAL FUNCTIONS AND POWERS

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"1. THE COMMISSION SHALL DRAW THE ATTENTION OF ANY STATE WHICH IS NOT A PARTY TO THIS CONVENTION TO ANY ACTIVITY UNDERTAKEN BY ITS NATIONALS OR VESSELS WHICH, IN THE OPINION OF THE COMMISSION, AFFECTS THE IMPLEMEN-

TATION OF THE OBJECTIVE OF THIS CONVENTION.

"2. THE COMMISSION SHALL DRAW THE ATTENTION OF ANY CONTRACTING PARTY TO ANY ACTIVITY UNDERTAKEN BY ITS NATIONALS OR VESSELS WHICH, IN THE OPINION OF THE COMMISSION, AFFECTS THE IMPLEMENTATION OF THE OBJECTIVE OF THIS CONVENTION OR THE COMPLIANCE BY THAT CONTRACTING PARTY WITH ITS OBLIGATIONS UNDER THIS CONVENTION.

ARTICLE IX

COMMISSION - VOTING

"1. EACH REPRESENTATION SHALL HAVE ONE VOTE.

"2. EVERY EFFORT SHALL BE MADE TO TAKE DECISIONS ON THE COMMISSION BY CONSENSUS.

"3. IF IT IS NOT POSSIBLE TO TAKE BY CONSENSUS A DECISION ON A MATTER OF SUBSTANCE, A DECISION SHALL BE TAKEN BY A TWO-THIRDS MAJORITY OF THE MEMBERS OF THE COMMISSION PROVIDED THAT THIS MAJORITY SHALL INCLUDE TWO-THIRDS OF THE MEMBERS OF THE COMMISSION WHICH ARE AT THE SAME TIME ANTARCTIC TREATY CONSULTATIVE PARTIES. THE QUESTION WHETHER A MATTER IS ONE OF SUBSTANCE SHALL BE TREATED AS A MATTER OF SUBSTANCE.

"4. ALL OTHER DECISIONS IF NOT TAKEN BY CONSENSUS SHALL BE TAKEN BY SIMPLE MAJORITY OF THE MEMBERS OF THE COMMISSION PRESENT AND VOTING.

"5. THE PROVISIONS OF THIS ARTICLE SHALL NOT AFFECT
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THE OPERATION OF ARTICLE XVI OF THIS CONVENTION.

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ARTICLE X

COMMISSION - PROCEDURES

"1. THE COMMISSION SHALL MEET ANNUALLY. IT MAY MEET AT ANY OTHER TIME AT THE REQUEST OF ONE-THIRD OF ITS MEMBERS.

"2. AT ITS FIRST MEETING THE COMMISSION SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRMAN AND A VICE-CHAIRMAN, EACH OF WHOM SHALL SERVE FOR A TERM OF TWO YEARS AND SHALL BE ELIGIBLE FOR RE-ELECTION FOR ONE ADDITIONAL TERM. THE CHAIRMAN AND VICE CHAIRMAN SHALL NOT REPRESENT THE SAME CONTRACTING PARTY.

"3. THE COMMISSION SHALL ADOPT AND AMEND AS NECESSARY THE RULES OF PROCEDURE FOR THE CONDUCT OF ITS MEETINGS, EXCEPT WITH RESPECT TO VOTING.

"4. THE COMMISSION MAY ESTABLISH SUCH SUBSIDIARY BODIES AS ARE NECESSARY FOR THE PERFORMANCE OF ITS FUNCTIONS.

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ARTICLE XI

SCIENTIFIC COMMITTEE - ESTABLISHMENT AND MEMBERSHIP

"1. THE CONTRACTING PARTIES HEREBY ESTABLISH THE SCIENTIFIC COMMITTEE FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (HEREINAFTER REFERRED TO AS THE SCIENTIFIC COMMITTEE) WHICH SHALL BE A CONSULTATIVE BODY TO THE COMMISSION.

"2. EACH OF THE CONTRACTING PARTIES MAY APPOINT REPRESENTATIVES TO THE SCIENTIFIC COMMITTEE.

"3. THE SCIENTIFIC COMMITTEE MAY INVITE OTHER

SCIENTISTS OR EXPERTS TO PARTICIPATE IN ITS WORK IN
THE CAPACITY OF ADVISERS.

ARTICLE XII

SCIENTIFIC COMMITTEE - FUNCTIONS AND POWERS

1. THE SCIENTIFIC COMMITTEE SHALL PROVIDE A FORUM
FOR CONSULTATION AND CO-OPERATION AMONG CONG CONTRACTING
PARTIES CONCERNING THE COLLECTION, STUDY AND EXCHANGE
OF INFORMATION WITH RESPECT TO THE MARINE LIVING RE-
SOURCES COVERED BY THIS CONVENTION. IT SHALL ENCOURAGE
AND PROMOTE CO-OPERATION AMONG THE CONTRACTING PARTIES
IN THE FIELD OF SCIENTIFIC RESEARCH IN ORDER TO EXTEND
KNOWLEDGE OF THE ANTARCTIC MARINE ECOSYSTEM.

2. THE SCIENTIFIC COMMITTEE SHALL CONDUCT SUCH
ACTIVITIES AS THE COMMISSION MAY DIRECT IN PURSUANCE OF
THE OBJECTIVE OF THIS CONVENTION, AND SHALL:

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(A) ESTABLISH CRITERIA AND METHODS, INCLUDING DATE
STANDARDS, CONFIDENCE LEVELS, AND IDENTIFICAT-
ION OF INDICATOR SPECIES, TO BE USED FOR DE-
TERMINATIONS CONCERNING THE CONSERVATION
MEASURES REFERRED TO IN ARTICLE VII;

(B) REGULARLY ASSESS THE STATUS AND TRENDS OF THE
POPULATIONS OF ANTARCTIC MARINE LIVING RE-
SOURCES AND OF THE ANTARCTIC MARINE EXOSYSTEM
AS A WHOLE;

(C) ANALYSE DATA CONCERNING THE DIRECT AND IN-
DIRECT EFFECTS OF HARVESTING ON THE POPULAT-
IONS OF ANTARCTIC MARINE LIVING RESOURCES AND
THE ECOSYSTEM AS A WHOLE;

(D) ASSESS THE EFFECTS OF PROPOSED INCREASES IN
HARVESTING AND PROPOSED CONSERVATION MEASURES;

(E) TRANSMIT ASSESSMENTS, ANALYSES, REPORTS AND
RECOMMENDATIONS TO THE COMMISSION REGARDING
MEASURES AND RESEARCH TO IMPLEMENT THE OBJECT-
IVE OF THIS CONVENTION.

"3. IN CARRYING OUT ITS FUNCTIONS, THE COMMITTEE
SHALL HAVE REGARD TO THE WORK OF OTHER RELEVANT TECHNI-
CAL AND SCIENTIFIC ORGANIZATIONS.

ARTICLE XIII

SCIENTIFIC COMMITTEE - PROCEDURES

"1. THE FIRST MEETING OF THE SCIENTIFIC COMMITTEE
SHALL BE HELD WITHIN THREE MONTHS OF THE FIRST MEETING
OF THE COMMISSION. THE SCIENTIFIC COMMITTEE SHALL
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MEET THEREAFTER AS MAY BE NECESSARY TO FULFILL ITS
FUNCTIONS.

"2. THE CONTRACTING PARTIES SHALL TRANSMIT TO THE
EXECUTIVE SECRETARY THE NAMES OF THEIR REPRESENTATI-
VES TO THE SCIENTIFIC COMMITTEE.

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"3. THE SCIENTIFIC COMMITTEE SHALL ADOPT AND
AMEND AS NECESSARY ITS RULES OF PROCEDURE WHICH SHALL
INCLUDE THE VOTING PROCEDURES SET FORTH IN ARTICLE IX.

ARTICLE XIV

COMMISSION - SECRETARIAT

1. THE COMMISSION SHALL APPOINT AN EXECUTIVE SE-

RETARY ACCORDING TO SUCH PROCEDURES AND ON SUCH TERMS
AND CONDITIONS AS IT MAY DETERMINE.

"2. THE EXECUTIVE SECRETARY SHALL SELECT, DIRECT
AND SUPERVISE THE STAFF OF THE COMMISSION IN ACCOR-
DANCE WITH SUCH RULES AND PREOCEDURES AS MAY BE DETER-
MINED BY THE COMMISSION.

"3. THE EXECUTIVE SECRETARY AND HIS STAFF SHALL
PERFORM THE FUNCTIONS ENTRUSTED TO THEM BY THE COMMISSION.

ARTICLE XV

COMMISSION - HEADQUARTERS
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"4. THE COMMISSION SHALL ESTABLISH ITS HEAD-
QUARTERS AT. UNLESS
OTHERWISE DECIDED BY THE COMMISSION, ALL MEETINGS OF
THE COMMISSION SHALL BE HELD AT ITS HEADQUARTERS. THE
FIRST MEETING OF THE COMMISSION SHALL BE HELD WITHIN
THREE MONTHS OF THE ENTRY INTO FORCE OF THIS CONVANT-
ION.

ARTICLE XVI

FINANCIAL MATTERS

1. AT EACH ANNUAL MEETING, THE COMMISSION SHALL
ADOPT ITS BUDGET BY UNANIMOUS VOTE.

"2. A DRAFT BUDGET SHALL BE PREPARED BY THE EXECUTIVE
SECRETARY AND SUBMITTED TO THE CONTRACTING PARTIES
AT LEAST SIXTY DAYS BEFORE THE ANNUAL MEETING OF THE
COMMISSION.

"3. EACH CONTRACTING PARTY SHALL CONTRIBUTE TO THE
BUDGET IN THE CURRENCIES AND PROPORTIONS APPROVED UN-
ANIMOUSLY BY THE COMMISSION.

"4. THE FINANCIAL ACTIVITIES OF THE COMMISSION AND
SEICNTIFIC COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE
WITH FINANCIAL REGULATIONS ADOPED BY THE COMMISSION
AND SHALL BE SUBJECT TO AN ANNUAL AUDIT BY EXTERNAL
AUDITORS SELECTED BY THE COMMISSION.

"5. EACH CONTRACTING PARTY SHALL MEET ITS OWN EX-
PENSES ARISING FROM ITS PARTICIPATION IN THE COMMISSION
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AND IN THE SCIENTIFIC COMMITTEE.

ARTICLE XVII

CONSERVATION AIRMS

" IN CARRYING OUT THE FUNCTIONS ENTRUSTED TO THEM
FOR THE FULFILMENT OF THE OBJECTIVE OF THIS CONVENTION,
THE COMMISSION AND THE SCIENTIFIC COMMITTEE SHALL BE
BY THE FOLLOWING AIMS:

(A) PREVENTION OF THE DEPLETION OF ANY TARGET,
DEPENDENT, OR RELATED POPULATIONS OF ANTARCTIC
MARINE LIVING RESOURCES TO LEVELS BELOW THOSE
WHICH PRODUCE THE GREATEST NET ANNUAL IN-
CREMENT IN POPULATION, NUMBER OR BIOMASS, AND

(B) PREVENTION OF ANY IRREVERSIBLE OR LONG-TERM
CHANGES IN THE STRUCTURE AND SPECIES COM-
POSITION OF THE ANTARCTIC MARINE ECOSYSTEM OR
IN THE RELATIVE ABUNDANCE OF TARGET, DEPENDENT,
OR RELATED POPULATIONS OF ANTARCTIC MARINE
LIVING RESOURCES.

ARTICLE XVIII

SUPPLY OF INFORMATION

"1. THE CONTRACTING PARTIES SHALL PROVIDE TO THE
COMMISSION AND SCIENTIFIC COMMITTEE SUCH STATISTICAL,
BIOLOGICAL OR OTHER SCIENTIFIC DATA AND INFORMATION
AS THE COMMISSION AND SCIENTIFIC COMMITTEE MAY RE-
QUIRE IN THE EXERCISE OF THEIR FUNCTIOS.

"2. IN PARTICULAR, EACH CONTRACTING PARTY SHALL
PROVIDE, IN THE MANNER AND AT SUCH INTERVALS AS MAY
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BE PRESCRIBED, DETAILS OF ALL OPERATIONS BY ITS NA-
TIONALS AND VESSELS AND CATCH AND EFFORT STATISTICS
FOR SUCH OPERATIONS.

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C O N F I D E N T I A L SECTION 6 OF 8 CANBERRA 1804

ARTICLE XIX

OBLIGATION TO COMPLY WITH CONSERVATION MEASURES AND PROVISIONS OF THE CONVENTION

"1. EACH CONTRACTING PARTY SHALL TAKE APPROPRIATE MEASURES WITHIN ITS COMPETENCE, INCLUDING THE ADOPTION OF SUCH LAWS AND REGULATIONS AS MAY BE NECESSARY, TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS CONVENTION AND WITH MEASURES ADOPTED BY THE COMMISSION AND TO INSTITUTE ADMINISTRATIVE OR CRIMINAL PROCEEDINGS IN RESPECT OF VIOLATIONS.

"2. EACH CONTRACTING PARTY SHALL TRANSMIT TO THE COMMISSION IN THE MANNER AND FORM PRESCRIBED BY IT, INFORMATION ON

(A) MEASURES TAKEN PURSUANT TO PARA 1 INCLUDING THE IMPOSITION OF SANCTIONS FOR ANY VIOLATION;

(B) STEPS IT HAS TAKEN TO IMPLEMENT THE CONSERVATION MEASURES ADOPTED BY THE COMMISSION.

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ARTICLE XX

OBLIGATION TO SEEK COMPLIANCE ON THE PART OF THIRD COUNTRIES

"1. EACH CONTRACTING PARTY UNDERTAKES TO EXERT APPROPRIATE EFFORTS, CONSISTENT WITH THE CHARTER OF THE UNITED NATIONS, TO THE END THAT NO ONE ENGAGES IN ANY ACTIVITY CONTRARY TO THE OBJECTIVES OF THIS CONVENTION.

"2. EACH CONTRACTING PARTY SHALL NOTIFY THE COMMISSION OF ANY SUCH ACTIVITY WHICH COMES TO ITS ATTENTION.

ARTICLE XXI

PRESERVATION OF COASTAL STATE JURISDICTION

"ACTIVITIES CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF THIS CONVENTION AND MEASURES ADOPTED BY THE COMMISSION SHALL NOT PREJUDICE THE RIGHTS OF ANY COASTAL STATE HAVING JURISDICTION IN ANY PART OF THE AREA IN WHICH THIS CONVENTION APPLIES.

ARTICLE XXII

CO-OPERATION WITH OTHER BODIES

"1. THE COMMISSION AND THE SCIENTIFIC COMMITTEE SHALL CO-OPERATE WITH APPROPRIATE INTERNATIONAL ORGANIZATIONS, INCLUDING SPECIALISED AGENCIES OF THE UNITED NATIONS AND OTHER INTER-GOVERNMENTAL, AND NON-
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GOVERNMENTAL ORGANIZATIONS, WHICH COULD CONTRIBUTE TO THEIR WORK. IN PARTICULAR THE COMMISSION AND THE SCIENTIFIC COMMITTEE SHALL ESTABLISH WORKING RELATIONSHIPS WITH THE FOOD AND AGRICULTURE ORGANIZATION, THE SCIENTIFIC COMMITTEE ON ANTARCTIC RESEARCH AND THE SCIENTIFIC COMMITTEE ON OCEANOGRAPHIC RESEARCH, AND THE INTERNATIONAL COUNCIL OF SCIENTIFIC UNIONS, WITH RESPECT TO MATTERS THAT FALL WITHIN THE COMPETENCE OF THOSE ORGANIZATIONS.

"2. THE COMMISSION MAY ENTER INTO AGREEMENTS WITH THE ORGANIZATIONS REFERRED TO IN PARAGRAPH 1. THE COMMISSION AND THE SCIENTIFIC COMMITTEE MAY INVITE SUCH ORGANIZATIONS TO SEND OBSERVERS TO THEIR MEETINGS AND TO MEETINGS OF THEIR SUBSIDIARY BODIES.

ARTICLE XXIII

SYSTEM OF OBSERVATION AND INSPECTION

"1. IN ORDER TO PROMOTE THE OBJECTIVE AND ENSURE THE OBSERVANCE OF THE PROVISIONS OF THIS CONVENTION, A SYSTEM OF OBSERVATION AND INSPECTION IS HEREBY ESTABLISHED.

"2. EACH CONTRACTING PARTY SHALL HAVE THE RIGHT TO DESIGNATE OBSERVERS TO CARRY OUT INSPECTIONS. EACH CONTRACTING PARTY SHALL COMMUNICATE TO THE COMMISSION AND TO OTHER CONTRACTING PARTIES THE NAMES OF ITS DESIGNATED OBSERVERS. SIMILAR NOTICE SHALL BE GIVEN OF THE TERMINATION OF THEIR APPOINTMENTS.

"3. THE COMMISSION SHALL MAINTAIN AN UP-TO-DATE REGISTER OF DESIGNATED OBSERVERS.

"4. EACH OBSERVER INCLUDED IN THE REGISTER SHALL
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HAVE FREEDOM OF ACCESS TO VESSELS ENGAGED IN SCIENTIFIC RESEARCH, HARVESTING OR PROCESSING OF ANTARCTIC MARINE LIVING RESOURCES DURING THE CONDUCT OF SUCH OPERATIONS OR AT THE POINTS OF DISCHARGING CARGOES.

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CG-00 CEQ-01 EPA-01 EB-08 DLOS-09 OIC-02 NSF-01
AGRE-00 ACDA-12 /134 W
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TO SECSTATE WASHDC PRIORITY 2651

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"5. CONTRACTINGPARTIES WHOSE VESSELS ENGAGEIN HARVESTING OR ON-BOARD PROCESSING OF ANTRARCTIC MARINE LIVING RESOURCES, OR IN SCIENTIFIC RESEARCH ON SUCH RESOURCES, SHALL INFORM THE COMMISSION OF THE TIMES AND PLACES OF EMBARKATION OF THOSE VESSELS, THE DURATION OF THEIR VOYAGES, AND THEIR ANTICIPATED TIMES AND PLACES OF DISEMBARKATION AND SHALLFACILITATE THE ACCESS OF OBSERVERS TO SUCH VESSELS.

"6. CONTRACTING PARTIES MAY CARRY OUT AERIAL OBSERVATION AT ANY TIME.

"7. IF AN OBSERVER DESIGNATED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH 2 OF THIS ARTICLE HAS REASON TO BELIEVE THAT A BREACH OF THE CONSERVATION MEASURES ESTABLISHED UNDER THIS CONVENTION HAS TAKEN PLACE, THE CONTRACTING PARTY THAT DESIGNATED THAT OBSERVER SHALL NOTIFY THE COMMISSION, WHICH SHALL TAKE SUCH ACTION AS IT DEEMS APPROPRIATE.

ARTICLE XXIV

SETTLEMENT OF DISPUTES
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"1. IF ANY DISPUTE AREISES BETWEEN TWO OR MORE CONTRACTING PARTIES CONCERNING THE INTRPRETATION OR APPLICATION OF THE PRESENT CONVENTION, THEY SHALL BE OBLIGED TO CONSULT AMONG THEMSELVES WIT A VIEW TO HAVING TE DISPUTE RESOLVED BY NEGOTIATION, ENQUIRY, MEDIATION, CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT ORH OTHER PEACEFUL MEANS OF THEIR OWN CHOICE.

"2. ANY DISPUTE OF THIS CHARACTER NOT SO RESOLVED SHALL, AT THE REQUEST OF ONE OF THE PARTIES T THE DISPUTE, BE SUBMITTED TO THE INTRNATINAL CURT OF JUSTICE OR TO ARBITRATION. IF THE PARTY AGAINST WHOM ONE OF SUCH PROCEDURES IS COMMENCED PREFERS THAT THE ALTERNATIVE PROCEDURE SHOULD BE FOLLOWED, IT SHALL, WITHIN SIXTY DAYS OF THE RECEIPT OF THE NOTICE OF INSTITUTION OF PROCEEDINGS, SO INFORM THE PARTY COMMENCING THE PROCEEDINGS. THE LATTER SHALL THEREUPON WITHDRAW THE DOCUMENT INSTITUTING THE PROCEEDINGS AND COMMENCE PROCEEDINGS UNDER THE ALTERNATIVE PROCEDURE.

"3. IN CASES WHERE THE DISPUTE IS REFERRED TO ARBITRATION THE ARBITRAL TRIBUNAL SHALL BE CONSTITUED AS PROVIDED IN THE ANNEX TO THIS CONVENTION.

ARTICLE XXV

SIGNTURE

"THIS CONVENTION SHALL BE OPEN FOR SIGNATURE
AT FROM.....
TO..... BY THE STATES PARTICIPATING
IN THE MEETING AT WHICH THIS CONVENTION IS ADOPTED.
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"2. THE STATES WHICH SO SIGN WILL BE THE ORIGINAL
SIGNATORY STATES OF THE CONVENTION.

ARTICLE XXVI

RATIFICATION

". THIS CONVENTION IS SUBJECT TO RATIFICATION,
APPROVAL OR ACCEPTANCE BY SIGNATORY STATES. INSTRU-
MENTS OF RATIFICATION, ACCEPTANCE OR APPROVAL SHALL BE
DEPOSITED WITH THE GOVERNMENT OF,
HEREBY DESIGNATED AS THE DEPOSITORY.

ARTICLE XXVII

ACCESSION

"THIS CONVENTION SHALL BE OPEN FOR ACCESSION BY:

(1) ANY STATE PARTICIPATING IN THE MEETING AT
WHICH THIS CONVENTION IS ADOPTED WHICH HAS NOT
SIGNED THE CONVENTION AS PROVIDED FOR IN
ARTICLE XXV;

(2) ANY OTHER STATE WHICH IS ENGAGED IN RESEARCH
OR HARVESTING ACTIVITIES IN RELATION TO THE
MARINE LIVING RESOURCES TO WHICH THIS CON-
VENTION APPLIES.

ARTICLE XXVIII

ENTRY INTO FORCE

"THIS CONVENTION SHALL ENTER INTO FORCE ON
THE THIRTIETH DAY FOLLOWING THE DATE OF DEPOSIT OF
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THEINSTRUMENT OF RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION.

"2. WITH RESPECT TO EACH STATE WHICH SUBSEQUENTLY DEPOSITS AN INSTRUMENT OF RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION, THE CONVENTION SHALL ENTER INTO FORCE ON THE THIRTIETH DAY FOLLOWING THE DEPOSIT BY SUCH STATE OF ITS INSTRUMENT OF RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION.

ARTICLE XXIX

AMENDMENT

"THIS CONVENTION MAY BE AMENDED AT ANY TIME. THE TEXT OF ANY AMENDMENT PROPOSED BY A CONTRACTING PARTY SHALL BE SUBMITTED TO THE DEPOSITORY, WHICH SHALL TRANSMIT IT TO ALL THE CONTRACTING PARTIES.

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CG-00 CEQ-01 EPA-01 EB-08 DLDS-09 OIC-02 NSF-01
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"2. IF ONE-THIRD OF THE CONTRACTING PARTIES REQUEST A MEETING TO DISCUSS THE PROPOSED AMENDMENT THE DEPOSITORY SHALL CALL SUCH A MEETING.

"3. AN AMENDMENT SHALL ENTER INTO FORCE WHEN THE DEPOSITORY HAS RECEIVED INSTRUMENTS OF RATIFICATION, ACCEPTANCE OR APPROVAL THEREOF FROM ALL THE CONTRACTING PARTIES.

ARTILCE XXX

WITHDRAWAL

"ANY CONTRACTING PARTY MAY WITHDRAW FROM THIS CONVENTION ON 30 JUNE OF ANY YEAR, BY GIVING NOTICE ON BEFORE 1 JANUARY OF THE SAME YEAR TO THE DEPOSITORY, WHICH, UPON RECEIPT OF SUCH A NOTICE, SHALL COMMUNICATE IT FORTHWITH TO THE OTHER CONTRACTING PARTIES.

"2. ANY OTHER CONTRACTING PARTY MAY, IN LIKE MANNER, WITHIN SIXTY DAYS OF THE RECEIPT OF A COPY OF SUCH A NOTICE FROM THE DEPOSITORY, GIVE NOTICE OF WITHDRAWAL IN WHICH CASE THE CONVENTION SHALL CEASE TO BE IN FORCE

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ON 30 JUNE OF THE SAME YEAR WITH RESPECT TO THE CONTRACTING PARTY GIVING SUCH NOTICE.

ARTICLE XXXI

NOTIFICATION BY THE DEPOSITORY

"THE DEPOSITORY SHALL NOTIFY ALL SIGNATORY AND ACCEEDING STATES OF THE FOLLOWING:

(A) SIGNATURES OF THIS CONVENTION AND THE DEPOSIT OF INSTRUMENTS OF RATIFICATION, APPROVAL ACCEPTANCE AND ACCESSION;

(B) THE DATE OF ENTRY INTO FORCE OF THIS CONVENTION AND OF ANY AMENDMENT THERETO, AND THE DATE ON WHICH ANY WITHDRAWAL TAKES EFFECT.

ARTICLE XXXII

AUTHENTIC TEXTS AND REGISTRATION

"THIS CONVENTION DRAWN UP IN THE ENGLISH, FRENCH, RUSSIAN AND SPANISH LANGUAGES, EACH TEXT BEING EQUALLY AUTHENTIC, SHALL BE DEPOSITED IN THE ARCHIVES OF THE GOVERNMENT OF WHICH SHALL TRANSMIT DULY CERTIFIED COPIES THEREOF TO ALL SIGNATORY AND ACCEDING STATES.

"2. UPON ENTRY INTO FORCE OF THE CONVENTION THE DEPOSITORY SHALL TRANSMIT A CERTIFIED COPY THEREOF TO THE SECRETARIAT OF THE UNITED NATIONS FOR REGISTRATION AND PUBLICATION IN ACCORDANCE WITH ARTICLE 102 OF THE

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CHARTER OF THE UNITED NATIONS.

"IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED THERETO BY THEIR RESPECTIVE GOVERNMENTS, HAVE SIGNED THIS CONVENTION.

DONE AT THIS DAY OF
1978.

ANNEX FOR AN ARBITRAL TRIBUNAL

"IF A DISPUTE OF THE KIND REFERRED TO IN ARTICLE XXIV, PARAGRAPH 2, ARISES BETWEEN TWO OR MORE PARTIES, IT SHALL BE REFERRED TO AN ARBITRAL TRIBUNAL COMPOSED OF THREE ARBITRATORS. THE SAID ARBITRATORS SHALL BE APPOINTED AS FOLLOWS:

"THE PARTY COMMENDING THIS PROCEDURE SHALL COMMUNICATE THE NAME OF AN ARBITRATOR TO THE OTHER PARTY WHICH, IN TURN, WITHIN A PERIOD OF 40 DAYS FOLLOWING SUCH NOTIFICATION, SHALL COMMUNICATE THE NAME OF THE SECOND ARBITRATOR. THE PARTIES SHALL, WITHIN A PERIOD OF 60 DAYS FOLLOWING THE APPOINTMENT OF THE SECOND ARBITRATOR, APPOINT THE THIRD ARBITRATOR, WHO SHALL NOT BE A NATIONAL OF EITHER PARTY AND SHALL NOT BE OF THE SAME NATIONALITY AS EITHER OF THE FIRST TWO ARBITRATORS. THE THIRD ARBITRATOR SHALL PRESIDE OVER THE BOARD.

"IF THE SECOND ARBITRATOR HAS NOT BEEN APPOINTED WITHIN THE PRESCRIBED PERIOD, OR IF THE PARTIES HAVE NOT REACHED AGREEMENT WITHIN THE PRESCRIBED PERIOD ON THE APPOINTMENT OF THE THIRD ARBITRATOR, THAT ARBITRATOR SHALL BE APPOINTED, AT THE REQUEST OF EITHER PARTY, BY THE.....
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"THE ARBITRAL TRIBUNAL SHALL DECIDE WHERE ITS HEADQUARTERS WILL BE LOCATED AND SHALL ADOPT ITS OWN RULES OF PROCEDURE.

"THE AWARD OF THE ARBITRAL TRIBUNAL SHALL BE

MADE BY A MAJORITY OF ITS MEMBERS, WHO MAY NOT ABSTAIN
FROM VOTING.

"ANY STATE SIGNATORY TO THE PRESENT CONVENTION
WHICH IS NOT A PARTY TO THE DISPUTE MAY INTERVENE IN
THE PROCEEDINGS WITH THE CONSENT OF THE ARBITRAL TRIBUNAL.

"THE AWARD SHALL BE FINAL AND BINDING ON ALL
PARTIES IN THE DISPUTE AND ON ANY STATE WHICH INTER-
VENES IN THE PROCEEDINGS AND SHALL BE COMPLIED WITH
WITHOUT DELAY. THE ARBITRAL TRIBUNAL SHALL INTERPRET
THE AWARD AT THE REQUEST OF ONE OF THE PARTIES TO THE
DISPUTE OR ANY INTERVENING STATE.

"UNLESS THE ARBITRAL TRIBUNAL DETERMINES
OTHERWISE BECAUSE OF THE PARTICULAR CIRCUMSTANCES OF
THE CASE, THE EXPENSES OF THE TRIBUNAL, INCLUDING THE
RENUMERATION OF ITS MEMBERS, SHALL BE BORNE BY THE
PARTIES TO THE DISPUTE IN EQUAL SHARES."

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ANTARCTIC TREATY, CONSERVATION
Control Number: n/a
Copy: SINGLE
Draft Date: 10 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978CANBER01804
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
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Litigation History:
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 22
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 CANBERRA 1672
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3377623
Secure: OPEN
Status: NATIVE
Subject: ANTARCTIC TREATY: CHAIRMAN'S DRAFT CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES
TAGS: EFIS, XV
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/70b3acc9-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014